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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Misty Pagan

Plaintiff,

v.

Liberty University, Inc., a Virginia
corporation,
Defendant.

No. CV-22-01484-PHX-JZB

**DEFENDANT LIBERTY
UNIVERSITY, INC.'S ANSWER TO
PLAINTIFF'S COMPLAINT**

(Assigned to the Hon. John Boyle)

ANSWER TO COMPLAINT

For its Answer to Plaintiff's Complaint, Liberty University, Inc. ("Liberty") hereby admits, denies, and alleges as follows:

PARTIES, JURISDICTION AND VENUE

1. Answering Paragraph 1, Liberty, upon information and belief, admits that Plaintiff is a resident of Maricopa County, Arizona.

2. Answering Paragraph 2, Liberty admits that it is a Virginia corporation.

3. Answering Paragraph 3, the paragraph states legal conclusions and no response is required.

4. Answering Paragraph 4, Liberty denies it caused or engaged in the wrongful acts alleged, or otherwise. To the extent Paragraph 4 states legal conclusions, no response

1 is required. Liberty admits that jurisdiction in this state and county are proper, and
2 affirmatively states that venue is proper in this Court.

3 5. Liberty denies the allegations set forth in Paragraph 5.

4 **FACTUAL BASIS FOR PLAINTIFF'S CLAIMS**

5 6. Answering Paragraph 6, Liberty admits that Plaintiff was an online post-
6 doctoral student at Liberty. Upon information and belief, Liberty admits Plaintiff resided
7 in Maricopa County, Arizona while she was an online post-doctoral student at Liberty.
8 Liberty admits that it is based in Lynchburg, Virginia.

9 7. Liberty lacks sufficient knowledge or information to form a belief as to the
10 truth or falsity of the allegations in Paragraph 7, and on that basis the allegations are denied.

11 8. Liberty lacks sufficient knowledge or information to form a belief as to the
12 truth or falsity of the allegations in Paragraph 8, and on that basis the allegations are denied.

13 9. Liberty admits that Plaintiff was accepted into Liberty's psych-mental health
14 nurse practitioner post-doctoral program in August 2020. As to Plaintiff's anticipated
15 graduation date, Liberty lacks sufficient knowledge or information to form a belief as to
16 the truth or falsity of the remaining allegations in Paragraph 9, and on that basis the
17 allegations are denied.

18 10. Liberty lacks sufficient knowledge or information to form a belief as to the
19 truth or falsity of the allegations in Paragraph 10, and on that basis the allegations are
20 denied.

21 11. Liberty lacks sufficient knowledge or information to form a belief as to the
22 truth or falsity of the allegations in Paragraph 11, and on that basis the allegations are
23 denied.

24 12. Liberty lacks sufficient knowledge or information to form a belief as to the
25 truth or falsity of the allegations in Paragraph 12, and on that basis the allegations are
26 denied.

27 13. Liberty lacks sufficient knowledge or information to form a belief as to the
28 truth or falsity of the allegations in Paragraph 13, and on that basis the allegations are

1 denied.

2 14. Liberty denies the allegations set forth in Paragraph 14.

3 15. Liberty lacks sufficient knowledge or information to form a belief as to the
4 truth or falsity of the allegations in Paragraph 15, and on that basis the allegations are
5 denied.

6 16. Liberty lacks sufficient knowledge or information to form a belief as to the
7 truth or falsity of the allegations in Paragraph 16, and on that basis the allegations are
8 denied.

9 17. Liberty lacks sufficient knowledge or information to form a belief as to the
10 truth or falsity of the allegations in Paragraph 17, and on that basis the allegations are
11 denied.

12 18. Liberty denies the allegations set forth in Paragraph 18.

13 19. Liberty denies the allegations set forth in Paragraph 19.

14 20. Liberty lacks sufficient knowledge or information to form a belief as to the
15 truth or falsity of the allegations in Paragraph 20, and on that basis the allegations are
16 denied.

17 21. Liberty lacks sufficient knowledge or information to form a belief as to the
18 truth or falsity of the allegations in Paragraph 21, and on that basis the allegations are
19 denied.

20 22. Liberty lacks sufficient knowledge or information to form a belief as to the
21 truth or falsity of the allegations in Paragraph 22, and on that basis the allegations are
22 denied.

23 23. Liberty denies the allegations in Paragraph 23.

24 24. Liberty lacks sufficient knowledge or information to form a belief as to the
25 truth or falsity of the allegations in Paragraph 24, and on that basis the allegations are
26 denied.

27 25. Liberty lacks sufficient knowledge or information to form a belief as to the
28 truth or falsity of the allegations in Paragraph 25, and on that basis the allegations are

1 denied.

2 26. Liberty lacks sufficient knowledge or information to form a belief as to the
3 truth or falsity of the allegations in Paragraph 26, and on that basis the allegations are
4 denied.

5 27. Liberty lacks sufficient knowledge or information to form a belief as to the
6 truth or falsity of the allegations in Paragraph 27, and on that basis the allegations are
7 denied.

8 28. Answering Paragraph 28, Liberty admits that Plaintiff was tasked with
9 assuming primary responsibility for her practicum experience planning but
10 denies that she was tasked with locating a preceptor on her own or that this responsibility
11 was outside of the normal course.

12 29. Answering Paragraph 29, Liberty affirmatively states that, pursuant to
13 A.A.C. R4-19-502, only Advance Practice Nurse Practitioner (APRNs) or Physicians are
14 qualified to serve as preceptors. To the extent that Paragraph 29 contains or relies on any
15 factual allegations, Liberty lacks sufficient knowledge or information to form a belief as to
16 the truth or falsity of the remaining allegations, and on that basis the allegations are denied.

17 30. Liberty lacks sufficient knowledge or information to form a belief as to the
18 truth or falsity of the allegations in Paragraph 30, and on that basis the allegations are
19 denied.

20 31. Liberty lacks sufficient knowledge or information to form a belief as to the
21 truth or falsity of the allegations in Paragraph 31, and on that basis the allegations are
22 denied.

23 32. Liberty lacks sufficient knowledge or information to form a belief as to the
24 truth or falsity of the allegations in Paragraph 32, and on that basis the allegations are
25 denied.

26 33. Liberty lacks sufficient knowledge or information to form a belief as to the
27 truth or falsity of the allegations in Paragraph 33, and on that basis the allegations are
28 denied.

1 34. Liberty lacks sufficient knowledge or information to form a belief as to the
2 truth or falsity of the allegations in Paragraph 34, and on that basis the allegations are
3 denied.

4 35. Liberty lacks sufficient knowledge or information to form a belief as to the
5 truth or falsity of the allegations in Paragraph 35, and on that basis the allegations are
6 denied.

7 36. Liberty lacks sufficient knowledge or information to form a belief as to the
8 truth or falsity of the allegations in Paragraph 36, and on that basis the allegations are
9 denied.

10 37. Liberty lacks sufficient knowledge or information to form a belief as to the
11 truth or falsity of the allegations in Paragraph 37, and on that basis the allegations are
12 denied.

13 38. Liberty lacks sufficient knowledge or information to form a belief as to the
14 truth or falsity of the allegations in Paragraph 38, and on that basis the allegations are
15 denied.

16 39. Liberty lacks sufficient knowledge or information to form a belief as to the
17 truth or falsity of the allegations in Paragraph 39, and on that basis the allegations are
18 denied.

19 40. Liberty lacks sufficient knowledge or information to form a belief as to the
20 truth or falsity of the allegations in Paragraph 40, and on that basis the allegations are
21 denied.

22 41. Liberty lacks sufficient knowledge or information to form a belief as to the
23 truth or falsity of the allegations in Paragraph 41, and on that basis the allegations are
24 denied.

25 42. Liberty lacks sufficient knowledge or information to form a belief as to the
26 truth or falsity of the allegations in Paragraph 42, and on that basis the allegations are
27 denied.

28 43. Liberty lacks sufficient knowledge or information to form a belief as to the

1 truth or falsity of the allegations in Paragraph 43, and on that basis the allegations are
2 denied.

3 44. Liberty lacks sufficient knowledge or information to form a belief as to the
4 truth or falsity of the allegations in Paragraph 44, and on that basis the allegations are
5 denied.

6 45. Liberty lacks sufficient knowledge or information to form a belief as to the
7 truth or falsity of the allegations in Paragraph 45, and on that basis the allegations are
8 denied.

9 46. Liberty lacks sufficient knowledge or information to form a belief as to the
10 truth or falsity of the allegations in Paragraph 46, and on that basis the allegations are
11 denied.

12 47. Liberty lacks sufficient knowledge or information to form a belief as to the
13 truth or falsity of the allegations in Paragraph 47, and on that basis the allegations are
14 denied.

15 48. Liberty lacks sufficient knowledge or information to form a belief as to the
16 truth or falsity of the allegations in Paragraph 48, and on that basis the allegations are
17 denied.

18 49. Liberty lacks sufficient knowledge or information to form a belief as to the
19 truth or falsity of the allegations in Paragraph 49, and on that basis the allegations are
20 denied.

21 50. Liberty lacks sufficient knowledge or information to form a belief as to the
22 truth or falsity of the allegations in Paragraph 50, and on that basis the allegations are
23 denied.

24 51. Liberty denies the allegations set forth in Paragraph 51.

25 52. Liberty lacks sufficient knowledge or information to form a belief as to the
26 truth or falsity of the allegations in Paragraph 52, and on that basis the allegations are
27 denied.

28 53. Liberty lacks sufficient knowledge or information to form a belief as to the

1 truth or falsity of the allegations in Paragraph 53, and on that basis the allegations are
2 denied.

3 54. Liberty lacks sufficient knowledge or information to form a belief as to the
4 truth or falsity of the allegations in Paragraph 54, and on that basis the allegations are
5 denied.

6 55. Liberty lacks sufficient knowledge or information to form a belief as to the
7 truth or falsity of the allegations in Paragraph 55, and on that basis the allegations are
8 denied.

9 56. Liberty lacks sufficient knowledge or information to form a belief as to the
10 truth or falsity of the allegations in Paragraph 56, and on that basis the allegations are
11 denied.

12 57. Liberty lacks sufficient knowledge or information to form a belief as to the
13 truth or falsity of the allegations in Paragraph 57, and on that basis the allegations are
14 denied.

15 58. Liberty denies the allegations set forth in Paragraph 58.

16 59. Liberty denies the allegations set forth in Paragraph 59.

17 60. Liberty denies the allegations set forth in Paragraph 60.

18 61. Liberty lacks sufficient knowledge or information to form a belief as to the
19 truth or falsity of the allegations in Paragraph 61, and on that basis the allegations are
20 denied.

21 62. Liberty lacks sufficient knowledge or information to form a belief as to the
22 truth or falsity of the allegations in Paragraph 62, and on that basis the allegations are
23 denied.

24 63. Liberty denies the allegations set forth in Paragraph 63.

25 64. Liberty denies the allegations set forth in Paragraph 64.

26 65. Liberty lacks sufficient knowledge or information to form a belief as to the
27 truth or falsity of the allegations in Paragraph 65, and on that basis the allegations are
28 denied.

1 66. Liberty lacks sufficient knowledge or information to form a belief as to the
2 truth or falsity of the allegations in Paragraph 66, and on that basis the allegations are
3 denied.

4 67. Liberty lacks sufficient knowledge or information to form a belief as to the
5 truth or falsity of the allegations in Paragraph 67, and on that basis the allegations are
6 denied.

7 68. Liberty lacks sufficient knowledge or information to form a belief as to the
8 truth or falsity of the allegations in Paragraph 68, and on that basis the allegations are
9 denied.

10 69. Liberty admits the allegations set forth in Paragraph 69 and affirmatively
11 states that Plaintiff made an official complaint in July 2021.

12 70. Liberty denies the allegations set forth in Paragraph 70.

13 71. Liberty denies the allegations set forth in Paragraph 71.

14 72. Liberty lacks sufficient knowledge or information to form a belief as to the
15 truth or falsity of the allegations in Paragraph 72, and on that basis the allegations are
16 denied.

17 73. Liberty lacks sufficient knowledge or information to form a belief as to the
18 truth or falsity of the allegations in Paragraph 73, and on that basis the allegations are
19 denied.

20 74. Liberty lacks sufficient knowledge or information to form a belief as to the
21 truth or falsity of the allegations in Paragraph 74, and on that basis the allegations are
22 denied.

23 75. Liberty lacks sufficient knowledge or information to form a belief as to the
24 truth or falsity of the allegations in Paragraph 75, and on that basis the allegations are
25 denied.

26 76. Liberty lacks sufficient knowledge or information to form a belief as to the
27 truth or falsity of the allegations in Paragraph 76, and on that basis the allegations are
28 denied.

1 77. Liberty lacks sufficient knowledge or information to form a belief as to the
2 truth or falsity of the allegations in Paragraph 77, and on that basis the allegations are
3 denied.

4 78. Answering Paragraph 78, Liberty admits that it has increased its tuition for
5 the 2022 academic year. To the extent that Paragraph 78 contains or relies on any other
6 factual allegations, Liberty lacks sufficient knowledge or information to form a belief as to
7 the truth or falsity of the remaining allegations, and on that basis the allegations are denied.

8 79. Answering Paragraph 79(a)-(c), Liberty lacks sufficient knowledge or
9 information to form a belief as to the truth or falsity of the allegations in the paragraph, and
10 on that basis they are denied.

11 80. Liberty lacks sufficient knowledge or information to form a belief as to the
12 truth or falsity of the allegations in Paragraph 80, and on that basis the allegations are
13 denied.

14 81. Liberty lacks sufficient knowledge or information to form a belief as to the
15 truth or falsity of the allegations in Paragraph 81, and on that basis the allegations are
16 denied.

17 82. Liberty lacks sufficient knowledge or information to form a belief as to the
18 truth or falsity of the allegations in Paragraph 82, and on that basis the allegations are
19 denied.

20 83. Answering Paragraph 83, Liberty affirmatively states that post-graduate
21 students must complete their graduation requirements within two years of matriculation.
22 To the extent Paragraph 83 relies on any other factual allegations, Liberty lacks sufficient
23 knowledge or information to form a belief as to the truth or falsity of the remaining
24 allegations, and on that basis the allegations are denied.

25 84. Liberty lacks sufficient knowledge or information to form a belief as to the
26 truth or falsity of the allegations in Paragraph 84, and on that basis the allegations are
27 denied.

28 85. Liberty admits the allegations set forth in Paragraph 85.

1 86. Liberty lacks sufficient knowledge or information to form a belief as to the
2 truth or falsity of the allegations in Paragraph 86, and on that basis the allegations are
3 denied.

4 87. Liberty lacks sufficient knowledge or information to form a belief as to the
5 truth or falsity of the allegations in Paragraph 87, and on that basis the allegations are
6 denied.

7 88. Liberty lacks sufficient knowledge or information to form a belief as to the
8 truth or falsity of the allegations in Paragraph 88, and on that basis the allegations are
9 denied.

10 89. Liberty denies the allegations as set forth in Paragraph 89.

11 90. Liberty denies the allegations as set forth in Paragraph 90.

12 91. Liberty lacks sufficient knowledge or information to form a belief as to the
13 truth or falsity of the allegations in Paragraph 91, and on that basis the allegations are
14 denied.

15 92. Liberty lacks sufficient knowledge or information to form a belief as to the
16 truth or falsity of the allegations in Paragraph 92, and on that basis the allegations are
17 denied.

18 93. Liberty lacks sufficient knowledge or information to form a belief as to the
19 truth or falsity of the allegations in Paragraph 93, and on that basis the allegations are
20 denied.

21 94. Liberty lacks sufficient knowledge or information to form a belief as to the
22 truth or falsity of the allegations in Paragraph 94, and on that basis the allegations are
23 denied.

24 95. Liberty lacks sufficient knowledge or information to form a belief as to the
25 truth or falsity of the allegations in Paragraph 95, and on that basis the allegations are
26 denied.

27 96. Liberty admits that Plaintiff's grade was changed from an "I" to a "D" on
28 March 24, 2022. To the extent Paragraph 96 relies on any other factual allegations, Liberty

1 lacks sufficient knowledge or information to form a belief as to the truth or falsity of the
2 remaining allegations, and on that basis the allegations are denied.

3 97. Liberty denies the allegations as set forth in Paragraph 97.

4 98. Liberty lacks sufficient knowledge or information to form a belief as to the
5 truth or falsity of the allegations in Paragraph 98, and on that basis the allegations are
6 denied.

7 **FIRST CAUSE OF ACTION**

8 **Common Law Fraud/Fraudulent Inducement**

9 **(Against All Defendants)**

10 97.2.¹ Answering Paragraph 97.2, Liberty admits and denies the allegations as
11 stated in its response to each paragraph.

12 98.2. Answering Paragraph 98.2, the paragraph states legal conclusions and no
13 response is required. To the extent that Paragraph 98.2 contains or relies on any factual
14 allegations, Liberty lacks sufficient knowledge or information to form a belief as to the
15 truth or falsity of the remaining allegations, and on that basis the allegations are denied.

16 99. Answering Paragraph 99, the paragraph states legal conclusions and no
17 response is required. To the extent that Paragraph 99 contains or relies on any factual
18 allegations, Liberty lacks sufficient knowledge or information to form a belief as to the
19 truth or falsity of the remaining allegations, and on that basis the allegations are denied.

20 100. Liberty denies the allegations as set forth in Paragraph 100.

21 101. Answering Paragraph 101, the paragraph states legal conclusions and no
22 response is required. To the extent that Paragraph 101 contains or relies on any factual
23 allegations, Liberty lacks sufficient knowledge or information to form a belief as to the
24 truth or falsity of the remaining allegations, and on that basis the allegations are denied.

25 102. Liberty denies the allegations set forth in Paragraph 102.

26
27 ¹ In an effort to not cause further confusion, Defendant answers in the order the paragraphs appear in Plaintiff's
28 Complaint. Defendant notes for the Court that in certain areas in Section III (e.g., p. 11 and p. 19), the paragraph
numbering repeats from previous sections and is non-sequential. Defendant notes the repetitive paragraph by the
notation ".2."

103. Liberty denies the allegations set forth in Paragraph 103.

104. Liberty denies the allegations set forth in Paragraph 104.

105. Liberty denies the allegations set forth in Paragraph 105.

106. Answering Paragraph 106, the paragraph states legal conclusions and no response is required. To the extent that Paragraph 106 contains or relies on any factual allegations, Liberty lacks sufficient knowledge or information to form a belief as to the truth or falsity of the remaining allegations, and on that basis the allegations are denied.

107. Liberty denies the allegations as set forth in Paragraph 107.

108. Liberty denies the allegations as set forth in Paragraph 108.

109. Answering Paragraph 109, the paragraph states legal conclusions and no response is required. To the extent that Paragraph 109 contains or relies on any factual allegations, Liberty lacks sufficient knowledge or information to form a belief as to the truth or falsity of the remaining allegations, and on that basis the allegations are denied.

110. Liberty denies the allegations set forth in Paragraph 110.

111. Liberty denies the allegations set forth in Paragraph 111.

SECOND CAUSE OF ACTION

Consumer Fraud (A.R.S. §§ 44-1521, *et seq.*)

(Against All Defendants)

112. Answering Paragraph 112, Liberty admits and denies the allegations as stated in its response to each paragraph.

113. Liberty denies the allegations set forth in Paragraph 113.

114. Liberty denies the allegations set forth in Paragraph 114.

115. Liberty denies the allegations set forth in Paragraph 115.

THIRD CAUSE OF ACTION

Negligent/Innocent Misrepresentation

(Against All Defendants)

117. Answering Paragraph 117, Liberty admits and denies the allegations as stated in its response to each paragraph.

118. Liberty denies the allegations set forth in Paragraph 118.

119. Liberty denies the allegations set forth in Paragraph 119.

120. Liberty denies the allegations set forth in Paragraph 120.

121. Liberty denies the allegations set forth in Paragraph 121.

122. Liberty denies the allegations set forth in Paragraph 122.

123. Liberty denies the allegations set forth in Paragraph 123.

124. Liberty denies the allegations set forth in Paragraph 124.

125. Liberty denies the allegations set forth in Paragraph 125.

126. Liberty denies the allegations set forth in Paragraph 126.

127. Liberty denies the allegations set forth in Paragraph 127.

128. Liberty denies the allegations set forth in Paragraph 128.

129. Liberty denies the allegations set forth in Paragraph 129.

130. Liberty denies the allegations set forth in Paragraph 130.

FOURTH CAUSE OF ACTION

Negligence

(Against All Defendants)

131. Answering Paragraph 131, Liberty admits and denies the allegations as stated in its response to each paragraph.

132. Answering Paragraph 132, the paragraph states legal conclusions and no response is required. To the extent that Paragraph 132 contains or relies on any factual allegations, Liberty lacks sufficient knowledge or information to form a belief as to the truth or falsity of the remaining allegations, and on that basis the allegations are denied.

133. Liberty denies the allegations set forth in Paragraph 133.

134. Liberty denies the allegations set forth in Paragraph 134.

FIFTH CAUSE OF ACTION

Breach of Contract

(Against All Defendants)

135. Answering Paragraph 135, Liberty admits and denies the allegations as stated

1 in its response to each paragraph.

2 136. Answering Paragraph 136, Liberty lacks sufficient knowledge or information
3 to form a belief as to the truth or falsity of the remaining allegations, and on that basis the
4 allegations are denied.

5 137. Liberty denies the allegations set forth in Paragraph 137.

6 138. Liberty denies the allegations set forth in Paragraph 138.

7 139. Liberty denies the allegations set forth in Paragraph 139.

8 140. Answering Paragraph 140, Liberty lacks sufficient knowledge or information
9 to form a belief as to the truth or falsity of the remaining allegations, and on that basis the
10 allegations are denied.

11 141. Liberty denies the allegations set forth in Paragraph 141.

12 **SIXTH CAUSE OF ACTION**

13 **Breach of the Covenant of Good Faith and Fair Dealing**

14 **(Against All Defendants)**

15 142. Answering Paragraph 142, Liberty admits and denies the allegations as stated
16 in its response to each paragraph.

17 143. Answer Paragraph 143, the paragraph states legal conclusions and no
18 response is required.

19 144. Answering Paragraph 144, the paragraph states legal conclusions and no
20 response is required. To the extent that Paragraph 144 contains or relies on any factual
21 allegations, Liberty lacks sufficient knowledge or information to form a belief as to the
22 truth or falsity of the remaining allegations, and on that basis the allegations are denied.

23 145. Liberty denies the allegations set forth in Paragraph 145.

24 146. Liberty denies the allegations set forth in Paragraph 146.

25 147. Liberty denies the allegations set forth in Paragraph 147.

26 **SEVENTH CAUSE OF ACTION**

27 **Promissory Estoppel**

28 **(Against All Defendants)**

1 148. Answering Paragraph 148, Liberty admits and denies the allegations as stated
2 in its response to each paragraph.

3 149. Answering Paragraph 149, the paragraph states legal conclusions and no
4 response is required.

5 150. Liberty denies the allegations set forth in Paragraph 150.

6 151. Liberty denies the allegations set forth in Paragraph 151.

7 152. Liberty denies the allegations set forth in Paragraph 152.

8 153. Liberty denies the allegations set forth in Paragraph 153.

9 154. Liberty denies the allegations set forth in Paragraph 154.

10 155. Liberty denies the allegations set forth in Paragraph 155.

11 156. Liberty denies the allegations set forth in Paragraph 156.

12 157. Liberty denies the allegations set forth in Paragraph 157.

13 158. Answering Paragraph 158, the paragraph states legal conclusions and no
14 response is required.

15 **EIGHTH CAUSE OF ACTION**

16 **Unjust Enrichment/Disgorgement**

17 **(Against All Defendants)**

18 159. Answering Paragraph 159, Liberty admits and denies the allegations as stated
19 in its response to each paragraph.

20 160. Liberty denies the allegations set forth in Paragraph 160.

21 161. Liberty denies the allegations set forth in Paragraph 161.

22 162. Liberty denies the allegations set forth in Paragraph 162.

23 163. Liberty denies the allegations set forth in Paragraph 163.

24 164. Liberty denies the allegations set forth in Paragraph 164.

25 165. Liberty denies the allegations set forth in Paragraph 165.

26 **NINTH CAUSE OF ACTION**

27 **Declaratory Judgment**

28 **(Against All Defendants)**

1 166. Answering Paragraph 166, Liberty admits and denies the allegations as stated
2 in its response to each paragraph.

3 167. Liberty denies the allegations set forth in Paragraph 167.

4 168. Liberty denies the allegations set forth in Paragraph 168.

5 169. Answering Paragraph 169, the paragraph states legal conclusions and no
6 response is required.

7 170. Answering Paragraph 170, the paragraph states legal conclusions and no
8 response is required.

9 **TENTH CAUSE OF ACTION**

10 **Injunctive Relief/Temporary Restraining Order**

11 **(Against All Defendants)**

12 170.2² Answering Paragraph 170.2, Liberty admits and denies the allegations as
13 stated in its response to each paragraph.

14 171. Liberty denies the allegations set forth in Paragraph 171.

15 172. Liberty denies the allegations set forth in Paragraph 172.

16 **AFFIRMATIVE DEFENSES**

17 Liberty denies all allegations of the Complaint, including prayers for relief, not
18 expressly admitted in the Answer. The following defenses are applicable, where
19 appropriate, to Plaintiffs' claims for relief.

20 1. Alleges that Plaintiff's Complaint fails to state a claim against Liberty upon
21 which this Court may grant relief.

22 2. Alleges that Plaintiff's Complaint asks for relief (i.e., injunctive
23 relief/temporary restraining order regarding Plaintiff's transcript) that is beyond the
24 Court's discretion to provide.

25 3. Alleges that Plaintiff's alleged injuries and damages may have been
26 occasioned by the conduct of others for whom Liberty is not responsible and some alleged
27 injuries and damages may be barred or limited by principles or doctrines related to

28

² See footnote 1, *supra*.

1 Plaintiff's assumption of risk, failure to mitigate, contributory negligence, accord and
 2 satisfaction, waiver, and/or estoppel.

3 4. Alleges that the conduct referred to in the preceding paragraph of this Answer
 4 may entitle Liberty to application of comparative fault principles, an apportionment of fault,
 5 and reduction of any award in accordance with the Arizona Uniform Contribution Among
 6 Tortfeasors Act, A.R.S. §§ 12-2501 to 12-2509.

7 5. Liberty may have further and additional defenses which are not yet known
 8 but which may become known through future discovery. Liberty asserts herein each and
 9 every affirmative defense as may be ascertained through future discovery, including those
 10 required by Rules 8 and 12 of the Federal Rules of Civil Procedure.

11 **DEMAND FOR JURY TRIAL**

12 Defendant Liberty hereby requests a jury trial as provided by Rule 38(a) of the
 13 Federal Rules of Civil Procedure as to all issues or claims for which a jury trial is allowed.

14 **PRAYER FOR RELIEF**

15 **WHEREFORE**, Liberty, having fully answered Plaintiffs' Complaint, Liberty
 16 requests that this matter be dismissed with prejudice as to Liberty. Liberty reserves the
 17 right to seek an award of costs and fees, including but not limited to attorneys' fees incurred
 18 herein, pursuant to 42 U.S.C. § 1988, and other applicable law or authority, and for such
 19 other and further relief as the Court deems just and proper.

20
 21 DATED this 8th day of September, 2022.

22 SNELL & WILMER L.L.P.

23 By: /s/ Claudia E. Stedman

24 Robert H. Feinberg (Bar #015059)
 25 Joshua R. Woodard (Bar #015592)
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that, on this 8th day of September, 2022, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants, and by email and/or U.S. First Class Mail if non-registrants:

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/s/Natalie Ayala